IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.31 OF 2007

Sharad Mansing Pawar ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.R.P.Behere, Advocate for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : April 09, 2007.

P.C.:

1. Heard the learned Advocate for the applicant and the learned APP for the State.

2. Rule. By consent rule is made returnable forthwith and heard finally.

3. The applicant-orig.accused has been convicted under Section 52 of the Maharashtra Regional and Town Planning Act, 1966 by the learned JMFC, 5th Court, Thane by judgment and order dated 7.6.2004 in R.C.C.No.90 of 1998. By the said judgment and order the learned Magistrate sentenced the applicant-original accused for R.I.

for two years and to pay a fine of Rs.2000/- i/d R.I. for two months. Being aggrieved by the said judgment and order the applicant preferred Criminal Appeal No.42 of 2004. The Sessions Judge, Thane by judgment and order dated 10.1.2007 dismissed the said Appeal. Being aggrieved thereby, this Revision has been preferred by the applicant.

4. Mr.Behere, the learned Advocate for the applicant, on instructions, states that the applicant is not challenging his conviction. However, it is prayed that the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

5. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to period of imprisonment being reduced to the period already undergone by the applicant.

6. In view of the above, the conviction of the applicant is confirmed. However, the sentence of imprisonment is reduced to the period already

undergone by the applicant and fine amount of Rs.5000/- as imposed by the learned JMFC is increased to Rs.35,000/-. On deposit of fine amount of Rs.35,000/-, the applicant to be released forthwith if not required in any other case. The said fine amount of Rs.35,000/- to be deposited before the trial Court. In case the applicant fails to deposit the said fine amount, the order of the learned Magistrate and learned Sessions Judge shall stand revived.

7. Criminal Revision Application is partly allowed. Rule is disposed of accordingly.

[SMT.V.K.TAHILRAMANI,J.]